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9 Attorneys for the United States of America

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) No. CR 09-00868 CW
14 Plaintiff,)
15 v.) STIPULATED REQUEST TO CONTINUE
16 AGUSTIN ORDAZ,) HEARING AND TO EXCLUDE TIME
a/k/a "Augustin Ordaz-Villagomez,") UNDER THE SPEEDY TRIAL ACT
17 Defendant.) Date: September 22, 2010
18) Time: 10:00 a.m.
19) Court: Hon. Laurel Beeler

20 The above-captioned matter is set on September 22, 2010 before this Court for status or
21 change of plea. The parties jointly request that this Court vacate that date and continue the
22 matter for status or change of plea on October 7, 2010 at 10:00 a.m., and that the Court exclude
23 time under the Speedy Trial Act between September 22, 2010 and October 7, 2010.

24 Counsel for Defendant Agustin Ordaz has asked for additional time to review discovery,
25 to investigate a prior methamphetamine related conviction sustained by the Defendant, and to
26 research potential immigration consequences of a guilty plea. These issues are central to the
27 parties' anticipated pre-trial resolution of the matter. Additionally, counsel for Defendant is
28 commuting from Fresno to meet with Defendant to discuss these issues. Accordingly, counsel

STIP. REQ. AND [PROPOSED] ORDER
TO CONTINUE HEARING & TO EXCLUDE TIME
No. CR-09-00868 CW

1 for Defendant requires additional time to review discovery, to investigate, and to prepare the
2 case for further disposition.

3 For those reasons, the parties jointly request that the Court continue the matter and
4 exclude time between September 22, 2010 and October 7, 2010 under the Speedy Trial Act for
5 reasonable time necessary for counsel to effectively prepare, pursuant to 18 U.S.C. §
6 3161(h)(8)(B)(iv). The parties agree that failing to exclude the time between September 22,
7 2010 and October 7, 2010 would unreasonably deny the defendant continuity of counsel and
8 would deny counsel the reasonable time necessary for effective preparation, taking into account
9 the exercise of due diligence, 18 U.S.C. § 3161(h)(7)(B)(iv), and that the ends of justice served
10 by excluding the time from computation under the Speedy Trial Act outweigh the best interests
11 of the public and the defendant in a speedy trial, 18 U.S.C. § 3161(h)(7)(A).

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13 DATED: September 20, 2010
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16 /s/
WADE M. RHYNE
Assistant United States Attorney
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18 /s/
NICHOLAS REYES
Counsel for Defendant
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STIP. REQ. AND {PROPOSED} ORDER
TO CONTINUE HEARING & TO EXCLUDE TIME
No. CR-09-00868 CW

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

11 UNITED STATES OF AMERICA,) No. CR 09-00868 CW
12 Plaintiff,)
13 v.)
14 AGUSTIN ORDAZ,) [PROPOSED] ORDER GRANTING
a/k/a "Augustin Ordaz-Villagomez,") STIPULATED REQUEST TO CONTINUE
15 Defendant.) HEARING AND TO EXCLUDE TIME
16) UNDER THE SPEEDY TRIAL ACT
Date: September 22, 2010
Time: 10:00 a.m.
Court: Hon. Laurel Beeler

18 The parties jointly requested that the Court vacate the September 22, 2010 status hearing
19 in this matter and continue the matter for status on October 7, 2010 at 10:00 a.m. The parties
20 further requested that time be excluded under the Speedy Trial Act between September 22, 2010
21 and October 7, 2010 to allow counsel additional time to review discovery, to investigate the case,
22 and to conduct additional legal research.

23 For good cause shown, the Court finds that failing to exclude the time between
24 September 22, 2010 and October 7, 2010 would unreasonably deny the defendant continuity of
25 counsel and would deny counsel the reasonable time necessary for effective preparation, taking
26 into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further
27 finds that the ends of justice served by excluding the time between September 22, 2010 and
28 October 7, 2010 from computation under the Speedy Trial Act outweigh the best interests of the

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1 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Therefore, IT IS
2 HEREBY ORDERED that the matter be continued to October 7, 2010 for status and that time
3 between September 22, 2010 and October 7, 2010 shall be excluded from computation under the
4 Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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7 DATED: September 22, 2010


LAUREL BEELER
United States Magistrate Judge

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STIP. REQ. AND [PROPOSED] ORDER
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